

## REMARKS

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-4, 6-30, 32-35, 38, 39, 43-45, 52 and 53 are currently pending.
- Claims 11, 22, 29, 38, 39, 43-45, 49, 52, and 53 are canceled herein.
- Claims 1-4, 6-10, 12-21, and 30 are amended herein.

Support for the amendments presented herein is found on pages 25-27 of the specification, as originally filed. No new matter is introduced.

### Allowed Claims

The Office Action indicates that claims 23-30 and 32-35 are allowable. Applicant would like to thank the Examiner for allowing claims 23-30 and 32-35. As discussed during the above-referenced Examiner interview, claim 29 was intended to be included in the rejected claims, and claim 30 was intended to be indicated as objected to as depending from an allowable base claim.

Claims 23-28 and 32-35 are not amended herein, and therefore remain in condition for allowance. Claim 29 is canceled herein, and claim 30 is amended herein to be re-written in independent form. Accordingly, Applicant respectfully submits that claims 23-28, 30, and 32-35 are all in condition for allowance.

Claims 11 and 22 are objected to as depending from a rejected base claim. Claim 11 and 22 are canceled herein, rendering the objection moot.

**Claims 1-4, 6-10, 12-21, 38, 39, 43-45, 52 and 53 Recite Statutory Subject**

**Matter Under § 101**

Claims 1-4, 6-10, 12-21, 38, 39, 43-45, 52 and 53 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

Nevertheless, for the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends claims 1-4, 6-10, and 12-21 as shown above. Claims 38, 39, 43-45, 52, and 53 are canceled herein. Applicant respectfully submits that these amendments render the § 101 rejection moot.

In the rejection, the Office specifically states, "The claims recite a "processor readable medium," which by the specification is disclosed as to include non-statutory subject matter such as optical fiber, electrical connection, propagation medium (see page 21-22 of the specification)." Applicant submits that the specification also makes a distinction between computer-readable storage media and communication media, both of which are described as being "processor readable mediums". Specifically, pages 25 and 26 of the specification, as originally filed, include a discussion of "computer readable media which can store data that is accessible by a computer." In contrast, on page 27 of the specification is a discussion of "communication media," which includes "modulated data signal such as a carrier wave or other transport mechanism."

Accordingly, the claims have been amended herein to recite "computer-readable storage media" (supported by the specification's description of "computer readable media which can store data that is accessible by a computer"), which is clearly

distinguished in the specification from "communication media." The Office specifically states that the non-statutory subject matter is "optical fiber, electrical connection, propagation medium," all of which are encompassed by the described "communication media."

Applicant respectfully submits that by specifying "computer-readable storage media," the claims are clearly directed only to statutory subject matter, and respectfully requests that the Office withdraw the rejection of these claims.

### **Cited Documents**

The following documents have been applied to reject one or more claims of the Application:

- **McGrath:** McGrath, et al., U.S. Patent Application Publication No. 2002/0122659
- **Oguro (939):** Oguro, U.S. Patent No. 6,344,939
- **Oguro (212):** Oguro, U.S. Patent No. 6,026,212
- **Oguro (947):** Oguro, et al., U.S. Patent No. 5,712,947
- **Tsujimura:** Tsujimura, et al., U.S. Patent No. 6,009,233
- **Kimura (796):** Kimura, et al., U.S. Patent No. 5,646,796
- **Kimura (844):** Kimura, et al., U.S. Patent No. 5,905,844
- **Oguro (474):** Oguro, et al., U.S. Patent No. 5,724,474

### **102 Rejections**

Claim 29 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by McGrath. Claim 29 is canceled herein, rendering the rejection of claim 29 moot.

Claim 43 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Oguro (939). Claim 43 is canceled herein, rendering the rejection of claim 43 moot.

Claim 45 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ogura (212). Claim 45 is canceled herein, rendering the rejection of claim 45 moot.

Claim 49 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ogura (947). Claim 49 is canceled herein, rendering the rejection of claim 49 moot.

Claim 52 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tsujimura. Claim 52 is canceled herein, rendering the rejection of claim 52 moot.

### **103 Rejections**

Claim 38 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Kimura (796) and further in view of Kimura (844). Claim 38 is canceled herein, rendering the rejection of claim 38 moot.

Claim 44 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Tsujimura and further in view of Ogura (474). Claim 44 is canceled herein, rendering the rejection of claim 44 moot.

## **Conclusion**

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.

If any issues remain that would prevent allowance of this application, **Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**

Respectfully Submitted,

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